

CHRISTOPHER COOKE, CA Bar #142342
STEPHEN S. WU, CA Bar # 205091
COOKE KOBRECK & WU LLP
177 Bovet Road, Suite 600
San Mateo, CA 94402
Email: ccooke@ckwlaw.com
swu@ckwlaw.com
Tel: (650) 638-2370
Fax: (650) 341-1395
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEI-FANG LISA ZHANG, BAY AREA
AFFORDABLE HOUSING, LLC, XUE-
HUAN GAO, YANG-CHUN ZHANG,
CAROL JIAN DENG, and HAO LIANG.

Plaintiffs.

VS.

WEI-MAN RAYMOND TSE, RUN PING ZHOU a.k.a. FLORA ZHOU, THERESA WONG, JAMES YU, BILL SHU WAI MA, MOLLY LAU, VICTOR SO, JIAN XIAO, CHRIST INVESTMENT SERVICE INC., CIS SERVICE, INC., PACIFIC BEST GROUP LTD. a.k.a. PACIFIC BEST COMPANY LTD., and SOUTH CHINA INVESTMENT INC.,

Defendants.

) Case No.: C-07-04946 JSW
) (Related to C-05-02641 JSW)

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION TO DISMISS
COUNTERCLAIM OF DEFENDANT
RUN PING ZHOU FOR FAILURE TO
STATE A CLAIM UPON WHICH
RELIEF CAN BE GRANTED (FED. R.
CIV. P. 12(b)(6))**

Date: August 8, 2008

Time: 9:00 a.m.

Courtroom: 2, 17th Floor

TO DEFENDANT RUN PING ZHOU.

PLEASE TAKE NOTICE that on Friday, August 8, 2008, at 9:00 a.m., or as soon thereafter as the matter may be heard in the above-entitled Court, located at 450 Golden Gate Ave., San Francisco, CA 94102, Plaintiffs MEI-FANG LISA ZHANG, BAY AREA

AFFORDABLE HOUSING, LLC, XUE-HUAN GAO, YANG-CHUN ZHANG, CAROL JIAN DENG, and HAO LIANG will move the Court, and Plaintiffs do hereby move, to dismiss the Counterclaim pursuant to Fed. R. Civ. P. 12(b)(6) because Defendant RUN PING ZHOU's Counterclaim fails to state a claim upon which relief can be granted. The gravamen of the Counterclaim is that Plaintiffs have unfairly accused RUN PING ZHOU of wrongful conduct in their Complaint and that their allegations constitute malicious prosecution. Defendant RUN PING ZHOU, however, has not yet litigated her defenses to the Complaint to a legal termination in her favor, which is an essential element of a malicious prosecution claim. Therefore, her claim is legally deficient.

The motion will be based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, and the pleadings and papers filed herein.

Respectfully Submitted,

COOKE, KOBRIK, & WU LLP

Dated: June 16, 2008

/s/

By: _____
CHRISTOPHER C. COOKE
Attorneys for Plaintiffs